

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2761 of 2026

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Ahmad Hussain S/o Late Sabra Mohammad Ansari, resident of village-Shastri Nagar, Ward No. 14, P.S.- Bagaha (Patkhauli OP), District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar .
2. The Additional Chief Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
3. The Divisional Commissioner, Tirhut Division, Muzaffarpur.
4. The District Magistrate, West Champaran, Bettiah.
5. The Sub Divisional Magistrate, Bagaha, West Champaran.
6. The Land Reforms, Deputy Collector, Bagaha, West Champaran.
7. The Circle Officer, Bagaha- 2, West Champaran.
8. The Superintendent of Police, Bagaha, West Champaran.
9. The Officer-in-Charge, Bagaha (Patkhauli OP), Bagaha, West Champaran.
10. Raj Mohan Giri @ Rajesh Giri, S/o Late Amla Giri, Resident of Village-Narwal Barwal, P.O.- Borwal, P.S.- Bagaha (Patkhauli OP), District- West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sunil Kumar Verma, Advocate
		Miss. Anjali Singh, Advocate
For the Respondent/s	:	Mr.Standing Counsel (18)

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 28-04-2026 Heard Mr. Sunil Kumar Verma duly assisted by

Miss. Anjali Singh, learned counsel for the petitioner and the

State.

2. The present petition has been preferred for the

following relief/s:

(i) issuance of an appropriate

writ/order/direction upon the



concerned/competent Respondent State Authority/Authorities to act upon and give effect to the order' dated 12.07.2024 passed by the learned court of Deputy Collector Land Reforms, Bagaha, West Champaran (Respondent No.6) in Bihar Land Dispute Case No.86/2023-24 allowing there under the application filed by the writ petitioner herein, and as a consequence thereof, directing the Circle Officer, Bagaha 2 to carry out measurement of the subject land situated at Mauza Khiria/Thana no. 175, covered under Khata No.36 relating to Plot No.76 measuring 01 Bigha and 10 Kattha land as per the boundary detail given in the sale deed of the writ petitioner dated 24.12.2011 ensuring removal of encroachment/ illegal occupation over the said land restoring possession in favour of the writ petitioner, applicant in ant of case no.86/23-24 before the A Deputy Collector Land Reforms, Bagaha;



(ii) issuance of an appropriate writ/order/direction upon the concerned Respondent State Authority/Authorities posted at Bagaha, West Champaran in general, and the Circle Officer, Bagha-2 in particular, for taking measurement case no.2701324-00356 arising in terms of the order dated 12.07.2024 in Bihar Land dispute case no.86/23-24 to to its logical conclusion, giving effect the notice issued dated 24.10.2024 by the Circle Officer, Bagaha-2 to the petitioner herein along with Private Respondent No. 10 as also letter being no.2127 dated 28.10.2024 issued by the Circle Officer, Bagaha-2 to the Anchal Amin directing therein to ensure measurement of the subject land situated at Mauza Khiriya/Thana No.175, covered under Khata No.36, Plot No.76, measuring 2 Acre 92,5 decimal of land on 30.10.2024, which was never acted upon in view of pendency of a writ application before this



Hon'ble Court being CWJC No.18112/24 filed by Private Respondent No.10, which stands disposed off vide the order dated 10.12.2024 by a bench of this Hon'ble Court without recording even a Single word about the said pending measurement proceeding at Bagaha-2;

(iii) issuance of an appropriate writ/order/direction upon the District Magistrate, West Champaran, Bettiah to ensure and secure removal of illegal and forcible encroachment and occupation of the subject land covered under Khata No.36, relating to plot no.76, situated at Mauza-Khiriya under Bagaha Anchal-2 at the hands of private Respondent No. 10 paving the way for restoration of possession of the said land property in favour of the petitioner in view of findings/local spot inquiry contained in letter No. 1696 dated 07.10.2023 issued by the Circle-Officer, Bagaha-2 to the District Magistrate, West Champaran, Bettiah;



(iv) issuance of an appropriate writ in the nature of certiorari quashing thereunder the order dated 26.11.2025 passed by the learned court of Deputy Collector, Land Reforms, Bagaha, West Champaran passed in Mutation appeal Case No.242/25-26 whereunder the order of Mutation dated 10.07.2023 passed, by the Circle-Officer, Bagaha-2 in Mutation Case No.738/2023-24 in relation to the subject land, standing in favour of the petitioner, has been cancelled/set aside in the background of earlier rejection of the claim of the Private Respondent No. 10 herein, with respect to the subject land, vide the order dated 12.07.2024 in Bihar Land Dispute Case No.86/23-24 by the same and common author of the order, namely, Smt. Anjalika Kritika in view of being perverse, unfair and malicious;

(iv) to any other relief/reliefs to which the petitioner is found entitled to in the facts and



circumstances of the case.

3. The land details are already incorporated in the prayer and need no repetition.

4. The daggers were drawn between the petitioner and the respondent no.10 and ultimately, it reached the Court of the Deputy Collector, Land Reforms, Bagaha-II in **M.A. No. 242 of 2005-26 (Raj Mohan Giri vs. Circle Officer, Bagaha-II & Ors)** challenging the order passed by the Circle Officer, Bagaha-II in **Mutation Case No. 738 of 2023-24** dated **10.07.2023** in which the mutation in favour of the petitioner was allowed.

5. The D.C.L.R., Bagaha-II took note of the conflicting statements made on two different forums to negate section 145 Cr.P.C. order against him annulling the order of the Circle Officer, Bagaha-II dated 10.07.2023 (Annexure-P/7 to the petition.

6. This followed the writ petition.

7. Learned counsel for the petitioner submits that admittedly, he is having possession over the land but the same has not been considered while passing the order in question.

8. Learned State counsel (who has failed to file affidavit in the matter as per the last order of the coordinate



bench) submits that against the order passed by the D.C.L.R., Bagaha, the petitioner failed to move before the superior revenue authority i.e. Collector/Additional Collector, West Champaran. He further submits that if such petition is filed, the same shall be taken to its logical.

9. Learned counsel for the petitioner submits that he is ready to approach the Collector/Additional Collector in next four weeks.

10. In that background, the writ petition is disposed of allowing the petitioner to file petition within a period of four weeks before the Collector, West Champaran.

11. If such petition is preferred within the aforesaid period, the same shall be taken to its logical conclusion at an earliest after noticing/hearing all the parties.

(Rajiv Roy, J)

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